

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No. 404 of 1999

For Approval and Signature:

HONOURABLE MR.JUSTICE P.B.MAJMUDAR

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1 Whether Reporters of Local Papers may be allowed to
see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the
judgment ?

4 Whether this case involves a substantial question of law
as to the interpretation of the constitution of India, 1950
or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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KRISHNA DATTATRAY CHANDORIKAR AND ANOTHER

Versus

SHASHIKANT VINAYAK AND ANOTHER

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Appearance :

MR NILESH A PANDYA for the applicants.

MR MP PRAJAPATI for the opponents.

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CORAM : HONOURABLE MR.JUSTICE P.B.MAJMUDAR

Date : 07/03/2006

ORAL JUDGMENT

The petitioners are original plaintiffs of Rent Suit No. 507 of 1989 pending before the Small Causes Court, Vadodara. The said suit was filed by

the petitioners-original plaintiffs for a declaration and injunction restraining the respondents from interfering with the rented suit premises and not to evict them from the suit premises without following due process of law. The petitioners had also filed an application, exh. 5, for interim injunction. The trial court initially granted ad-interim injunction in favour of the petitioners for three rooms and one kitchen. However, the trial Court, after hearing the parties modified the interim relief restricting it to three rooms and vacated injunction so far as room no.4 was concerned. The original plaintiffs preferred Misc. Civil Appeal before the District Court, Vadodara challenging the order passed by the trial Court restricting the interim relief to three rooms. The District Court dismissed the appeal and directed the original plaintiffs to vacate room No.4 within a period of 6 weeks. Feeling dis-satisfied with the said order, the original plaintiffs have preferred this Revision Application under section 115, CPC.

The present Revision Application is filed against an interlocutory order, as by such order, it cannot be said that the suit is disposed of. Injunction is vacated only so far as one room is concerned. In view of the amendment in section 115 of Civil Procedure Code, this Revision, which is against an interlocutory order, is not maintainable. The Revision Application is dismissed accordingly. Rule is discharged. Interim Relief stands vacated. No order as to costs.

However, since this Court has not dismissed the Revision on merits, the petitioners, if they so desire, may file a writ petition under Article 227 of the Constitution of India. It is, however, clarified that this Court is not expressing any opinion in this behalf.

[P. B. MAJMUDAR, J.]

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